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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,176	09/12/2003	Robert Stidd	001-220	2175
29569	7590	02/13/2006	EXAMINER	
JEFFREY FURR 253 N. MAIN STREET JOHNSTOWN, OH 43031			LOWE, MICHAEL S	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/605,176

Applicant(s)

STIDD, ROBERT

Examiner

M. Scott Lowe

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the inventor and attorney signatures are improper. See MPEP 502.02.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the bolt and lock pin attachment means and braking system must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because item numbers "1" & "125" is not found on the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "55" has been used to designate both the trailer wheel and the vehicle wheel. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are

required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

There are numerous other problems such as item number 215 being both a hitch and ramp as well as item 42 being a wheel chock and an attachment wall. The drawings should be reviewed and compared with the specification to correct all errors and inconsistencies. No new matter can be added.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the title states “[Insert title of invention]” and there are grammar and spacing mistakes. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

There are numerous problems such as item 400 sometimes being called both an RV and a motor home (it should be called just one or the other), item number 215 (paragraphs 28 & 29) being a hitch and ramp as well as item 42 (paragraphs 31 & 32) being a wheel chock and an attachment wall. There are also many grammar errors and random capitalizations of words. The drawings should be reviewed and compared with the specification to correct all errors and inconsistencies. No new matter can be added. Appropriate correction is required.

### ***Claim Objections***

Claim 20 is objected to because of the following informalities: it depends from itself. Appropriate correction is required. For sake of examination it is assumed applicant meant for it to depend from claim 15 instead.

Claim 10 is objected to because of the following informalities: it states “shorten ends” in line 2. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,11,15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the other end" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the short ends" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the towing vehicle" in line 9. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5-13,15-17,19 are rejected under 35 U.S.C. 102(b) as being anticipated by Alvis (US 5,468,115).

Re claim 1, Alvis teaches a towing device 10 comprising: a base (11,12,17,etc.), a plurality of wheels 12A connected to said base, a plurality of racks 13,14,38 connected to said base, a tongue hitch attachment (not numbered) at one end of the base, and a vehicle holder (11,12,etc.) at the other end of said base.

Re claims 2,16, Alvis teaches said racks 13,14,38 are movable on said base.

Re claims 3,17, Alvis teaches said racks 13,14,38 are movable and attached to said base using an attachment means.

Re claim 5, Alvis teaches (column 1, lines 12-17) said device tows a recreational vehicle and another vehicle.

Re claim 6, Alvis teaches said base (11,12,17,etc.) comprises a support beam (17,19,13,14,31,38,etc.) and a wheel axis support (17,19,13,14,31,38,etc.).

Re claim 7, Alvis teaches a braking system (inherent) connected to said wheels.

Re claims 8,19, Alvis teaches said vehicle holder (11,12,etc.) is a vehicle locator swivel plate.

Re claim 9, Alvis teaches said vehicle holder (11,12,etc.) can be moved.

Re claim 10, Alvis teaches said racks 13,14,38 have two elongated lips (not numbered) and two short ends (not numbered) which are open.

Re claim 11, Alvis teaches said racks 13,14,38 have two elongated lips (not numbered) and a wheel block (column 3, lines 55 & 60 state the vehicles are tied down and thus the wheels are "blocked" from movement) at one of the short ends with an open end opposite said wheel block.

Re claim 12, Alvis teaches said base has a rack support (17,19,13,14,31,38,etc.) on which said racks are connected to.

Re claim 13, Alvis teaches tie down straps (column 3, lines 55 & 60).

Re claim 15, Alvis teaches a method of towing a vehicle and a recreation device comprising:



using a device 10 that has a base (11,12,17, etc.), a plurality of wheels 12A connected to said base, a plurality of racks 13,14,38 connected to said base, a tongue hitch attachment (not numbered) at one end of the base, and a vehicle holder (11,12,etc.) at the other end of said base;

loading a recreation device (column 1, lines 12-17) to said device 10;

loading a vehicle (column 1, lines 12-17) to said device 10;

connecting said device to the towing vehicle (column 1, lines 12-17); and

towing said device 10.

### ***Claim Rejections - 35 USC § 102/103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Alvis (US 5,468,115).

Re claims 4,18, Alvis teaches said attachment means are a bolt and lock pin 25 where said bolt 25 goes through an opening in said rack and said base. If it is determined that Alvis does not teach a bolt and lock pin then it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Alvis to have a bolt and lock pin as a well known equivalent connection method in order provide manufacturing flexibility.

Claim 20 is rejected under 35 U.S.C. 102(b) as anticipated by Alvis (US 5,468,115) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Alvis (US 5,468,115) in view of Colet (US 4,578,014).

Re claim 20, Alvis teaches securing the vehicles and the supports (items 25,28,etc., column 3, lines 55 & 60) appropriately and inherently the operator would balance the load for safety. However, if it is determined that Alvis does not teach repositioning the vehicle holder for load balancing, then it is noted that Colet teaches repositioning the vehicle holder for load balancing (column 9) and safety. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Alvis by Colet to have repositioning the vehicle holder for load balancing and safety.

### ***Claim Rejections - 35 USC § 103***

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alvis (US 5,468,115).

Re claim 14, Alvis teaches a ramp (column 3, lines 49-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Alvis to have more than one ramp in order save effort move a single ramp back and forth.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



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